

RECENT CENTRALIZING TENDENCIES

IN

STATE EDUCATIONAL ADMINISTRATION

BY

WILLIAM CLARENCE WEBSTER

Seligman Fellow in Administration

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS

FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

IN THE

FACULTY OF POLITICAL SCIENCE

COLUMBIA UNIVERSITY

NEW YORK

1897



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CONTENTS

PAGE

CHAPTER I

Introduction	7
------------------------	---

CHAPTER II

The Relation of State Aid to State Control of Education . . .	12
---	----

CHAPTER III

General Outline of Present State Educational Administration .	16
---	----

CHAPTER IV

The Rise and Fall of the "District System"	23
--	----

CHAPTER V

Compulsory Education	32
--------------------------------	----

CHAPTER VI

State Regulation of Text-Books	49
--	----

CHAPTER VII

State Regulation of Courses of Study	60
--	----

CHAPTER VIII

State Control of Teachers' Examinations	63
---	----

CHAPTER IX

State Control of Teachers' Institutes	68
---	----

CHAPTER X

Appellate Jurisdiction of State Superintendents and State Boards	73
---	----

CHAPTER I

INTRODUCTION

ALTHOUGH popular education, since the earliest days of New England history, has been fondly cherished as one of the chief characteristics and safe-guards of our American polity, and although public schools early became quite generally diffused, especially throughout the North, yet at the opening of the present century it could scarcely be said that any of the States had what could be dignified by the term a "public school system." Almost everywhere throughout the country the establishment and continued maintenance of free public schools depended chiefly upon local initiative and local public sentiment, while so far from there being any effective control and supervision of the schools, this factor was almost entirely wanting in every State. What little control and supervision existed was local, and took in no larger area than the township or county, and with the general establishment of the so-called "district system" was ushered in an era of the most extreme decentralization conceivable, during which a multitude of petty local boards and "directors" ruled supreme in their infinitesimal districts. Each district was a law unto itself; of uniformity and system there was none.

This extreme decentralization in educational administration lasted till quite late in the present century, but gradually as population advanced and wealth accumulated the primitive conditions gave way to modern complexities, and as a result the early decentralization has also been obliged

to give way at many points. During the first half of the present century (roughly speaking) township and county supervision over the expenditure of school moneys, the levying of local school taxes, the erection and repair of school houses, the fixing of school terms and salaries, and other matters of a purely business character, was constantly becoming more and more thorough. During the latter half of this century this control has been gradually extended to an oversight of educational methods and courses of study, the qualifications and selection of teachers, grading, classification, discipline and sanitation. And, furthermore, during the latter period, township and county supervision has been quite generally supplemented by more or less thorough State control over many branches of school administration. First of all there were developed in most of the States special school funds and a general system of taxation for the encouragement and partial support of public schools. Parallel with and closely connected with this movement was the differentiation and development of separate State educational departments, and this movement has in many States been attended with the downfall of the "district system" and the establishment of a quite thorough central control over such branches of educational administration as text-book supplies, courses of study, the examination and qualifications of teachers, compulsory attendance and truancy.

The first State to develop a permanent educational department was New York. In 1812 this State created the office of "Superintendent of Common Schools." A little later there was a retrograde movement in this State. In 1821 the above office was abolished, and until 1854 the Secretary of State was made *ex-officio* State superintendent of schools. In 1841, however, the office of deputy superintendent was created, and the duties of the Secretary were largely turned over to him. In 1854 the office of

superintendent was revived. In the meantime, eighteen other States had established similar offices, among the earliest of which were Vermont, Pennsylvania, Michigan, Massachusetts, Kentucky, Ohio, Missouri and Connecticut. For a time most of the States merged the office of superintendent of public instruction with some other office already established, and the former office was regarded as merely nominal. For example, Missouri, Ohio, Pennsylvania, Vermont and Louisiana, like New York, merged the office in that of the Secretary of State; Colorado, in that of the State Treasurer; Oregon, in that of the Governor. Of course there was no logical or organic connection between the offices thus merged, and whatever development there was in the public school system under this regime was in spite of the fusion; yet owing largely to political reasons, it proved very difficult to get the two offices permanently separated. But after a long and rather tedious development, there exists to-day a separate educational department in the administrative system of every State and Territory, except Alaska, headed in each case, except in Delaware, by a separate chief administrative officer.¹ In every State public education is looked upon as primarily a State affair subject to State regulation.

Furthermore, this changed condition of educational administration has already found clear and emphatic expression in the organic and statute law, and in the judicial decisions of nearly every State and Territory. The constitutions of all the States, except Delaware and New Hampshire, make it compulsory on the part of the legislature to provide a system of public schools, free to all children of

¹ In Oklahoma the superintendent of public instruction also acts as territorial auditor. In Maryland the principal of the State normal school is *ex-officio* superintendent of public instruction. The schools of Alaska are supervised by a resident general agent of the Bureau of Education.

school age in the State. Most of the States have gone further, and provided in their organic law for State school funds the principal of which is not to be diminished, and the interest on which is pledged for the support of schools and forbidden to be used for any other purpose. Many of the State constitutions also make quite specific provision for central supervision by a State board or superintendent, or both.¹ The underlying doctrine of these constitutional provisions for education is that "knowledge and learning, as well as virtue, generally diffused throughout the community, are essential to the preservation of a free government and of the rights and liberties of the people." This principle, so early enunciated in the Massachusetts constitution, is found to-day, expressed in but slightly modified form, in at least fifteen of the State constitutions, and, as said above, is really the basis of all these provisions.² Several other lines of State control are laid down in the constitutional law of some of the States, as for example a minimum school year, the prohibition of sectarian instruction, the prohibition of grants of public money to sectarian schools, and compulsory education.

It would seem, therefore, that State control is quite clearly asserted in the organic law of the States. We find also that the courts fully sustain the principle. The following extract from the opinion delivered in the case of *State v. Haworth*³ will serve as a typical expression of the opinion of the courts

¹ *Const. Al.*, art. xiii, sec. 7; *Cal.*, ix, 2; *Col.*, ix, 1; *Fla.*, xii, 2-3; *Ga.*, viii, 1; *Id.*, ix, 2; *Ind.*, viii, 8; *Ia.*, ix, 1st, 1-10; *Kan.*, vi, 1 and 9; *La.*, art. 225; *Mich.*, xiii, 1 and 9; *Miss.*, viii, 2-4; *Mo.*, xi, 4; *Mont.*, xi, 11; *Nev.*, xi, 1 and 7; *N. C.*, ix, 8-12; *Or.*, viii, 1; *S. C.*, x, 1; *Tex.*, vii, 8; *Va.*, viii, 1-2; *W. Va.*, xii, 2; *Wis.*, x, 1; *Wyo.*, vii, 14.

² *Const. Ark.*, art. xiv, sec. 1; *Cal.*, ix, 1; *Id.*, ix, 1; *Ind.*, viii, 1; *Me.*, viii; *Mass.*, chap. v, sec. 2; *Minn.*, viii, 1; *Mo.*, xi, 1; *N. H.*, art. 83; *N. C.*, ix, 1; *N. D.*, viii, 1; *Rh. I.*, xii, 1; *S. D.*, viii, 1; *Tenn.*, xi, 12; *Tex.*, vii, 1.

³ 122 *Ind.*, p. 462.

regarding the present legal status of the schools in the different States: "Essentially and intrinsically the schools in which are educated and trained the children who are to become the rulers of the commonwealth are matters of *State* and *not* of *local* jurisdiction. In such matters the State is a unit. . . . The authority over schools and school affairs is not necessarily a distributive one to be exercised by local instrumentalities; but on the contrary it is a *central* power residing in the Legislature of the State. It is for the law-making power to determine whether the authority shall be exercised by a State board of education, or distributed to county, township, or city organizations throughout the State." In the Pennsylvania case of *Ford vs. Kendall Borough School District* the court went still further in its assertion of the power of legislature to centralize educational administration. The following brief extract from the opinion in this case will enable the reader to understand the doctrine of the court on this point: "We may assert positively and without hesitation that school districts are but *agents* of the commonwealth and are made *quasi-corporations* for the sole purpose of the administration of the commonwealth's system of public education."¹

¹ 121 Pa. St., 547.

CHAPTER II

THE RELATION OF STATE AID TO STATE CONTROL OF EDUCATION

AMERICAN interest in popular education early took the tangible form of munificent State aid. As early as 1786 New York set apart two lots in each township of the unoccupied lands of the State for "gospel and school purposes," and fifteen years later ordered that the net proceeds of one-half million acres of vacant and unappropriated lands should be devoted to the school fund. In 1795, when Connecticut sold the Western Reserve for one million dollars, she turned this sum into the school fund, which had been started as early as 1733 from the proceeds of the sales of lands in the northwestern part of the colony. Tennessee, in 1806, prompted by Congress, devoted one million acres of land each to colleges and academies, and one-thirty-sixth of the remaining unoccupied lands to common schools. Other States soon followed suit by starting school funds of various descriptions: Virginia and New Jersey in 1810, South Carolina in 1811, Kentucky and New Hampshire in 1821, Maine about the same time, North Carolina in 1825, and Massachusetts in 1834.

But it is neither necessary nor profitable for present purposes to trace at all in detail the rise and development of these State school funds. Suffice to say that at present the principle of State aid to common school education is firmly established, every State in the Union adopting the principle either by setting apart special funds or by providing various

forms of taxation or appropriation for the same. It may be worth while, however, to note some of the almost endless varieties of State aid for education developed in the different States. The following are only part of the many species of funds and taxation for education: tax on banks, savings banks, trust companies, etc.; tax on dogs and other animals; tax on railroads; fines for intoxication and other offences against the State; licenses for auctioneers, brokers, circuses, liquors, taverns, restaurants, marriages, etc.; percentage of fees of justices of the peace, prothonotaries, recorders of deeds, and other public officers; poll taxes; proceeds of the sales of public lands; moneys arising from the lease of oyster lands; proceeds of the sale of escheats, estrays, unclaimed dividends, etc.; proceeds of tax sales; dividends on State Bank; riparian rents and sales; saline funds; convicts' hire; mill tax, etc., etc. The proceeds from the various funds and taxes are usually apportioned to the counties or towns by the State superintendents and paid out by the State treasurer (sometimes by the State auditor) on warrants issued by the apportioning authority. Sometimes, however, the apportionment is made by the State board of education, the school fund commissioners, the State treasurer or the State auditor. The usual basis of apportionment is the number of school children of school age, but sometimes the number of schools or teachers in the local area.

But from the standpoint of the present chapter it is only important for us to note the bearing of State *aid* upon State *control* of education. The one naturally and necessarily led to the other. The granting of aid on the part of the State implied conditions upon which the aid should be received by the localities. These school funds and systems of taxation were not established simply for the benefit of the localities as such. Had this been the case the support of schools might have been left wholly to the localities. But the estab-

lishment of these funds is an evidence in itself of a dawning sense of the need of a State system of education under State supervision and control. These funds were established for the promotion of the public good in a wider sense. The State had interests of its own to foster, and a policy of its own to carry out. The establishment of State school funds, then, became the basis of a distinctive State policy, and inaugurated a system of State control and intervention in the field of education.

In the first place these State funds led to a better system of school returns, with all that this implies. Prior to the granting of regular State aid to the localities, it was all but impossible to get even the most meagre statistical returns from the same, because there was no adequate incentive for compliance and no effective penalty for refusal and neglect.¹ Now, when the localities understand that their share of the State appropriation will be withheld in case of non-compliance with the statistical demands of the central department, it is needless to say that even very extensive and detailed statistics are quite readily obtained. The very great value and importance of such statistics in developing a real system of public education is too apparent to require further mention.

But this vast fund of statistical information is not the only result of the granting of State aid to the schools, nor the only form of State control growing out of the same. It is primarily by the power of withholding appropriations from the localities that the State exerts its strong arm of control in other directions. It is the fear of losing their share of the State moneys that serves as the most effective method of inducing the localities to maintain schools during the entire period prescribed by law; to provide instruction in all the

¹ The earliest school reports and still earlier sources of information abound with evidence of the careless neglect and indifference of the localities in this respect.

required branches of study; to employ only those teachers who conform to various requirements made by law and by the various school administrative authorities of the State; to comply with numerous and important State regulations as to school property; in some cases to raise a certain required sum by local taxation; in some cases to enforce compulsory attendance laws and factory legislation with reference to children; in some cases to follow a State course of study, and to use text-books prescribed by the same authority; to carry out various rules of the State superintendent or State board too numerous to mention.

It is very evident, therefore, that State aid to education has proven a condition precedent to any and all effective State control over the same. The one led necessarily but almost insensibly to the other. Without detailed treatment, then, I point to the establishment of State school funds and State systems of taxation for public education as the first important step taken in this country towards a centralization of school administration.

CHAPTER III

GENERAL OUTLINE OF PRESENT STATE EDUCATIONAL ADMINISTRATION

THE usual title given to the chief educational officer of the State is "Superintendent of Public Instruction." In some States, as in Georgia, Ohio and Rhode Island, he is called "State Commissioner of Schools;" in some, as in Connecticut and Massachusetts, "Secretary of the State Board of Education;" in some, as in Alabama, Louisiana, South Carolina and Vermont, "State Superintendent of Education." A few other titles are in vogue.

In the majority of the States this official is elected by the people, but in quite a number of cases he is an appointive officer. He is appointed by the governor, generally subject to confirmation by the Senate, in Maine, Minnesota, New Hampshire, New Jersey, Pennsylvania, Tennessee, Arizona, Oklahoma and New Mexico; by the State board of education in Connecticut and Massachusetts; elected by the legislature in New York, Vermont and Virginia. The term of office of this official varies from one to four years in the different States, but the evident tendency is to lengthen the term. At least seventeen States¹ now prescribe a four years' term, and four States² a three year term. Several States, which have a shorter legal term, make a practice of frequent reëlections.

¹ Cal., Fla., Ill., Ky., La., Miss., Mo., Mont., Nev., N. C., Or., Pa., Va., W. Va., Wash., Utah, Wy.

² Me., N. J., N. Y., O.

The powers and duties of the State superintendent differ somewhat in the various States. The following are the most common functions assigned to him: to visit schools and consult with local officers and boards; to prepare registers and various blank forms to be used by the school officers of the State; to collect statistics concerning pupils, attendance, school taxes, etc., and receive reports from county superintendents, county examiners and various local boards; to report to the governor the condition of the public schools, the State normal schools and other educational institutions; to apportion school revenues among the different localities and frequently act as secretary of the board of commissioners of the school fund; to grant and revoke State teachers' licenses; to recommend (and frequently to prescribe) textbooks, library books, courses of study, and courses of reading for teachers; to publish the school laws; to decide appeals and points of school law, and publish his decisions; to bring actions for recovering misapplied moneys, etc.; to act *ex-officio* as trustee of normal schools, regent of the State university, etc. It is also worthy of notice here that the State superintendent in some cases exercises a rather important appointing power. For example, in quite a number of States he appoints institute conductors and instructors. In Vermont and Alabama, he appoints the county superintendents; in New York he appoints local boards for normal schools, can veto the appointment of normal school teachers, and can remove any school commissioner for neglect of duty; in West Virginia he appoints trustees of normal schools, commissions and removes county superintendents for cause; in Pennsylvania he commissions county, borough and city superintendents, fills vacancies in the office of county superintendent, and appoints trustees for normal schools and examining committees for the same; in Ohio and Kentucky he appoints the State board of examiners; in

Michigan he appoints a State board of school visitors; in Tennessee he appoints agents in each county to visit schools. In some States he can revoke teachers' licenses for cause.

Most of the States not only have a State superintendent but also a State board of education.¹ These boards are generally composed of some of the following State officials: governor, lieutenant-governor, secretary of State, State auditor, attorney-general, comptroller-general, surveyor-general, State treasurer, president of the senate, speaker of the assembly, and superintendent of public instruction. Sometimes in addition to one or more of the above officials, the board is composed of persons appointed by the governor, as in Kansas, Louisiana, Maryland, Massachusetts, Montana, New Jersey, South Carolina, Tennessee, and Washington; appointed by the State superintendent, as in Nebraska and Texas; elected by the legislature, as in Connecticut and Rhode Island; or elected by the people, as in Michigan. In some States this board is mostly or entirely a professional body, embracing in addition to the governor and State superintendent, such persons as the presidents of the State university, normal schools, and agricultural college, and sometimes a few leading city superintendents.²

The functions of the State board differ quite widely in the various States. Most of these boards share with the State superintendent the exercise of part or all of the functions mentioned above as pertaining to the latter official. In addition to these functions, some of these boards, as we shall see, exercise an extensive control over text-books, courses of study, and the examination and licensing of teachers. Some are given the broad grant of power to "adopt rules

¹ All except Al., Ark, Ill., Ia., Me., Minn., N. H., N. D., N. Y., O., Wis., Pa., Vt., S. D., Utah, Wy. Several of these States have boards for supervising the State Normal Schools.

² *Eg.*, Cal., Ind., Kan., N. Mex., Ok., Utah.

and regulations for the government of the public schools of the State."¹ The State board of Michigan,² Tennessee,³ Maryland,⁴ Florida,⁵ New Jersey,⁶ and perhaps a few other States "controls" the State normal schools. Some of the State boards exercise an important appointing power. For example, the State board of Mississippi,⁷ New Jersey and Virginia appoints county superintendents. The board of the latter State also appoints city superintendents and district trustees. The Louisiana board appoints parish boards of directors and in conjunction with the governor, 8 out of 20 of the city board of New Orleans. The South Carolina board appoints county boards of examiners. The Florida board fills vacancies in county boards. As noted above, the State board in several cases appoints a secretary who virtually acts as State superintendent. In some cases also the power of suspension and removal is expressly conferred upon this board. The Florida board can remove any subordinate officer for incompetency. The Virginia board can remove city superintendents and district trustees and "punish" county superintendents for neglect. The Mississippi board can suspend county superintendents for incompetency. The Maryland board can suspend any examiner or teacher for gross neglect or inefficiency. In quite a number of the States this board can revoke teachers' licenses for cause. The most common and important functions, however, of this board are the examination of candidates for State teachers' licenses and the management of the State school funds.⁸ Some

¹ Cf. for example, the school law of Cal., Col., Ky., La., N. J., N. C., Or., Miss., and a few other States.

² *Const. Mich.*, art. xiii, sec. 9.

³ *Code Tenn.*, 1884, art. ix, ch. 4.

⁴ *Pub. Gen. Laws Md.*, ii, p. 1183.

⁵ *Sch. Law*, 1895, sec. 18.

⁶ *Sch. Law*, 1895, p. 6.

⁷ Appointed by the State Board in 14 cos.; elected by the people in the others. *Sch. Law*, 1894, sec. 4258.

⁸ Some States have a State board of examiners in addition to the State board of education.

States which do not have the typical State board of education do have a corporate board solely for the control of the school funds.¹ A few other States have central boards with the sole function of examining and licensing teachers.² Minnesota has a State high school board, which will be described in Chapter VII.

It is interesting to note right here that the school law of Massachusetts and Connecticut specifically provides for State *agents* to be appointed by the State board. Connecticut has one such paid agent at present, who is empowered "to secure the due observance of the laws relating to the instruction of children," but his main function is to enforce the compulsory attendance law.³ Massachusetts has six paid State agents who do a great deal in the way of *investigating* local school matters, but do not seem as yet to exercise any very thorough *control*.⁴

Descending in the official scale, the next grade of administrative officials is that of the county. All of the States outside of New England, except Ohio and North Carolina,⁵ have a county superintendent or county examiner in each county, and one State in New England, Vermont, has a county examiner. The term of service of these officials varies from one to four years, with a preponderant majority in favor of a two-year term. In the majority of States these officials are elected by the people. In some States they are appointed by the county board; in some by the county court; in some by town superintendents or trustees; in a few, as we have seen above, by the governor, State superintendent, or State board.

The following are the usual functions of these officials: to visit periodically each school in the county, for the pur-

¹ Ark., N. D., W. Va., Wy.

² Ia., O., N. Y., W. Va., Wis.

³ *Sch. Law*, 1896, secs. 14, 15, 30, 35.

⁴ *Sch. Law*, 1892, p. 15.

⁵ This office was abolished in N. C. in 1895.

pose of examining the discipline and mode of instruction in the same and noting the condition of school property; to counsel teachers and local boards; to hold teachers' institutes; to make reports to the State superintendent concerning the condition of the schools of the county; to apportion the school moneys to the districts and to withhold the same in certain cases; to fix boundaries of districts in case of disagreement; to condemn school-houses; to examine candidates and grant certificates and frequently with power to revoke the same for good cause; to draw orders for school moneys; to decide appeals on various local questions subject to final appeal to the State superintendent or other State authority; to appraise school-lands lying in the county; to act as chairman or secretary of the county board; to appoint school officers and locate school-houses when districts fail to do so; in some States to fill vacancies in district boards; in some to prescribe the county text-books and course of study; in a few cases to remove township or district officers for cause.¹ All but eighteen of the States² also have a county board appointed in various ways.³ In some cases this board is simply a board of examiners, but in most cases it shares with the chief county school official most of the functions noted above. In quite a number of States the county board levies school taxes and in a few States employs the teachers of the county.

It thus appears that these county superintendents and boards generally occupy about the same position with reference to the schools of the county as the State superintendent

¹ For example, Al., Ind.

² All except Ark., Col., Del., Id., Ill., Ia., Minn., Mont., Neb., N. J., N. Y., N. D., Pa., Tenn., Vt., W. Va., Wis., Wy.

³ In a few cases appointed by the central authorities (the governor or State board); in some by the county board of supervisors; in a few by the county court or grand jury; in some by the county superintendent; in some cases they are elected by the people.

and board do with reference to those of the entire State, subject, however, in a more or less tangible manner to the State authorities. The school law of many of the States declares specifically that these county officials are subject to such rules and instructions as the State superintendent or State board may make, and frequently also directly commands them to carry the same into effect.¹ This subjection of local officials to State authority seems to be made quite effective by the fear of losing the State appropriation, also in some cases by central appointment of these officials, and still more so in a few cases by the power of suspension and removal granted to the central authorities.

In New England the town school committees or supervisors occupy the same place with reference to the schools of the town as do the country authorities with reference to the schools of the county in the States just noted. In many States having the above county school organization there are township officials occupying an administrative position midway between that of the county and "district" authorities, and exercising in the township extensive powers of regulation with greatly varying degrees of subjection to county authority. The powers of "district" officials will be considered in the next chapter.

¹ In some States the central educational department makes quite detailed and elaborate regulations for the localities concerning such subjects, for example, as length of daily sessions, hours for beginning and closing school, hours when teachers must be present, length of intermission, excuses for tardiness and absence, cleanliness of pupils, keeping of school registers, minimum passing grade for all local teachers' examinations, etc., etc.

CHAPTER IV

THE RISE AND FALL OF THE "DISTRICT SYSTEM"

IN 1789 the general court of Massachusetts enacted the following seemingly innocent and salutary law: "And whereas, by means of the dispersed situation of the inhabitants of the several towns and districts in this commonwealth, the children and youth cannot be collected in any one place for their instruction, and it has thence become expedient that the towns and districts, in the circumstances aforesaid, should be divided into separate districts for the purpose aforesaid. Be it therefore enacted," etc.¹ Fifty years later Horace Mann, commenting on this law, declared it to be "the most unfortunate law on the subject of common schools ever enacted in the State of Massachusetts."

Before considering the evil effects of the above law thus severely condemned, it may be well to note that its content was not really new: it simply legalized existing usages. During the 17th and 18th centuries, as the exigencies of rapid migration and settlement widely scattered many of the farming settlements, the people had hastily solved the new educational problems thus presented in a very primitive and crude manner, without calculating the consequences. As it became impossible for the children of the township to go to the school, the school went to the children. We therefore begin to frequently read of "moving schools." This process was often called in military fashion "squadroning out the schools." By a gradual transition small school-houses were

¹ *Act*, 1789, chap. xix, sec. 2.

erected in the different "squadrons," and the towns became definitely divided into "districts," each district being allowed to draw its share of the school money and expend it in its own way. Thus by the middle of the 18th century the earlier "township system" practically ceased, and the era of the "district system" began. For more than fifty years, therefore, before the law of 1789, towns had been forming "districts." The importance of this law lies in the fact that by sanctioning, it greatly encouraged this splitting up of towns into districts, and the "district system" thus received a new impetus. And yet to be quite accurate we should note that no powers were conferred on the district by the law of 1789. The district was not made a corporation, and was not distinctly authorized to furnish school-houses, elect officers, contract with teachers, nor indeed to do any act whatever concerning the schools. Furthermore, not a single duty in regard to schools was imposed upon the district. Of course this state of affairs could not long continue, and in 1800 the power to tax was conferred upon the people of the district.¹ The next step was to make school districts corporations with full power to sue and be sued, to make and enforce contracts, etc. This was done in 1817.² The final touch to this process of minute subdivision of power was given in 1827, when school districts were empowered to elect prudential committees, to whom were confided the care of school property and the important trust of selecting and contracting with teachers.³ At last the school district has become a full-fledged political institution, and American sovereignty split up into the minutest conceivable fragments. Surely the principle of "local self-government" here reaches its most extreme and absurd development. And unfortunately the evil effects of the "district system" were not con-

¹ *Laws of Mass.*, Feb. 28, 1800.

² *Ibid.*, June 13, 1817.

³ *Ibid.*, Mar. 10, 1827.

fined to Massachusetts. The spirit of the law of 1789 and its sequels was altogether too much in harmony with the extreme American predilections of the time toward local self-government, to prevent it being rapidly transplanted into the other New England States, thence *via* New York into nearly all the other Northern States of the Union; and this was mostly accomplished before the worst features of the "district system" had been demonstrated in Massachusetts or known outside of that State. This rapid adoption by other States, therefore, of the Massachusetts "district system" in the earlier part of this century marked the extreme limit of *decentralization* in American school administration. The latter half of the century, on the other hand, is witnessing a very general undoing of this faulty early administrative development. I point to this very general downfall of the "district system" as one of the important and salutary tendencies towards *centralization* in American State school administration, which is characteristic of the times.

What, then, to be more definite, is the "district system," and what are its attendant disadvantages and evils? To what extent are they being recognized and avoided in the recent school administration of the different States? This is a term applied to a system under which a State becomes divided into nearly or quite as many independent units of school government as there are individual schools to be governed, except in cities and incorporated towns, where all the public schools of the community are generally under one management. Each "district" has its separate body of officials, intrusted, to a greater or less extent, with the management of its school affairs. These officials, variously called "school committees," "school visitors," "school directors," "school trustees," "school boards," "school commissioners," etc., are generally elected by the voters of their respective districts, for terms varying in different States from one to four

years. Their duties in the various States are quite similar, viz., the levying of local school taxes and expending of the same, the employment of teachers, the provision and maintenance of school-houses and other school property, the selection of text-books and regulation of courses of study, and the general supervision of the school or schools of the district. Too often these officials have no qualifications whatever for these important duties, and are always comparatively irresponsible in the performance of the same.

It will aid us not only in trying to understand the evils of the "district system," but also in judging the extent to which these evils are now being recognized, to note the objections most frequently urged against it in the school reports of various States. The following are some of the most important evils of the system which I find quite generally recognized:

(1) It fosters a very narrow provincialism, and is fatal to a broad and generous public spirit in school administration. The constituencies of the district officials are generally so small as to represent little more than individual caprices and prejudices rather than real public sentiment or policy. The parsimony of the typical school directors has long since become proverbial. Speaking of this one writer very wittily, but quite correctly, says: "Questions involving the fate of nations have been decided with less expenditure of time, less stirring of passion, less vociferation of declamation and denunciation, than the location of a fifteen-by-twenty district school-house. . . . I have known such a question to call for ten district meetings, scattered over two years, bringing down from mountain farms three miles away men who had no children to be schooled, and who had not taken the trouble to vote in a presidential election during the period."¹ It thus appears that under the "district system" public sentiment is very likely to be neutralized by private selfishness.

¹G. H. Martin, *The Evolution of the Mass. Public School System*, pp. 93-4.

Average public sentiment has no real opportunity for vigorous action when the township is split up into ten or twenty infinitesimal political units. This extreme localization of administration inevitably tends to breed irresponsibility of the worst sort, and school offices are very apt to become mere perquisites used solely for selfish personal ends.

(2) The "district system" is much more expensive in proportion to what it accomplishes than a more centralized system. By means of it hundreds of schools in every State in which it exists are kept in operation which really ought to be abandoned. The school reports are full of evidence to this effect.¹ It is not at all unusual to find from one to two hundred schools in a State in which the average attendance is less than ten pupils.² In the Massachusetts Report for 1873 (p. 16) an instance is given where a school was taught some months for the solitary benefit of *one* scholar, at an expense of \$60. The Pennsylvania Report for the same year (p. 135) instances a district in which the school was composed solely of members of one family. Cases nearly or quite as bad frequently occur under the "district system." The system evidently stands condemned on the ground of economy.

(3) The "district system" enormously increases the number of officials. The following typical quotation well illustrates this point: "We have in Illinois in round numbers 20,500 teachers, for whose employment and supervision 34,602 directors—supposing that each district has but three—and 8,000 trustees and treasurers seem necessary, making in all 42,602 school officers. Counting the boards of education in districts with over 2,000 inhabitants, it is certainly

¹ Cf., for example, *Mass. Sch. Rep.*, vol. 2, p. 30; *N. Y. Sch. Rep.*, 1894, appendix, p. ix.

² There were 3387 districts in New York having an average attendance of 10 or less pupils during the school year 1894-5.

not too much to say that 4,300 school officers, or one-eightieth part of the population of the State, are to be kept in office for the schooling of 750,000 children, or one school officer for every 20 children, and when we except the city of Chicago, one school officer for ever 15 children.¹

(4) Closely connected with the above defect is the increase in the number of school elections which the "district system" begets. And no class of elections causes more feuds and animosities than school elections. The smaller the territory and the pettier the office, the greater are the enmities and strife engendered.

(5) The "district system" occasions glaring and unjust inequalities in school taxation and school privileges. Unquestionably the intent of the school law of the various States is that school taxes and school privileges shall be uniform; but even a cursory study of the State school reports reveals the most ridiculous inequalities in these respects, even in different parts of the very same township. In most of the States the principle of taxing the wealthier parts of the State for the benefit of the poorer is well established. The State school fund and the State school tax is apportioned to the various counties or towns according to some uniform plan, generally in proportion to the number of children of school age or the number of ratable polls; but under the "district system" the principles comes far too short of effective application. Even as regards the further distribution of State moneys among the various districts, the poorer districts manifestly receive by far too small a share when the distribution within the township is according to either of the above plans.² But this is not all of the inequality. The *State* tax

¹ *Ill. Sch. Rep.*, 1885-6, p. ccxii.

² I have counted all told more than 30 plans of distribution within the township in the different States. The most usual plans besides those noted above are (1) the number of families; (2) the number of able-bodied persons over 21 years of age; (3) the number of houses; (4) equal amounts.

is generally only a small part of the actual cost of the schools. Most of the money is raised by district taxation, and precisely here is where the inequality presses most heavily.¹ This leaving the poorer districts to shift for themselves gives rise to shockingly meagre school privileges in many cases. In almost any county or town in any State where the "district system" exists, there are some districts in which school is held only long enough to draw the State money. In fact this auction plan seems to be in high repute in some sections of the country, and consequently we frequently find that within the very same town one child can attend school only 12 weeks, while another in a different district can attend 36 weeks. Furthermore, in one district children are well taught, in another near by they are grievously mistaught; in one district they can sit in cheerful and healthful school-rooms, and have the advantages of good libraries and apparatus; in another just the reverse is true.

(6) The "district system" does not admit of any continuous and steady school policy. Committees are generally chosen for short periods, and the changes of teachers are correspondingly frequent and hap-hazard. Furthermore, committees are seldom elected because of their fitness or familiarity with present educational needs, but are in fact generally conspicuously unfit. The result is that school policy is spasmodic, and continuity is lost in the maelstrom of petty district politics.

(7) It does not admit of any effective system of grading or classification.

(8) It bars out all really effective supervision.

(9) It fosters boundary quarrels.

Such then are the principal weaknesses and defects of the extremely decentralized "district system." That they are

¹ It is not at all unusual to find one district paying 5 to 8 times the per capita tax of an adjoining district, and for about the same privileges.

now being very generally recognized and discussed is proven by the fact that the recent school reports of many States frequently refer to them and condemn the district system. And the defects of the system are not only being recognized quite generally, but are also being actually checked and overcome. Even in Massachusetts, the State where the system originated, attempts were early made to check and regulate its evil tendencies. As early as 1824 and 1826¹ laws were passed in that State requiring every town to annually choose a school committee which should have a general supervision of all the town schools, and which could determine the text-books to be used and control the examining and licensing of teachers for the whole town. It was not long before the educational leaders began to despair of any effective regulation of the system, and began to work for its abolition. For many years the State board of education through its secretaries kept up a continuous fire against it, and as a result a *permissive* law was passed in 1853,² authorizing school committees to discontinue districts unless the town voted triennially to continue them. This law was repealed in 1857. In 1859³ the "district system" was summarily abolished, but this law was also soon repealed. Ten years later, in 1869, the system was again abolished, but this law was practically repealed the very next year by allowing any town to reestablish the system by a two-thirds vote. Finally, however, in 1882,⁴ the system was again abolished, and this *compulsory* law still remains unrepealed.⁵ It thus appears that the "district system" died a hard death in Massachusetts, its native home. For many years, in many places, its abolition had been stoutly opposed as the entering

¹ *Laws*, Feb. 18, 1824, and Mar. 4, 1826.

² *Acts* 1853, ch. 153.

³ *Acts* 1859, ch. 252.

⁴ *Acts* 1882, ch. 219.

⁵ Only 45 towns were really affected by this law. All the rest had voluntarily abolished the system under the earlier *permissive* act.

wedge to centralization and despotism, and backwoods orators had for long eloquently appealed to the memories of Patrick Henry and the heroes of Lexington and Bunker Hill in its defense, but all their warnings and pleadings did not avail to keep this anomalous administrative monstrosity alive.

In other States also the question of abolishing the "district system" has been almost constantly agitated for over half a century. As a result at least twenty-three States¹ have already abolished the system in whole or in part, and bills looking to this end have been introduced into quite a number of other States during the present decade. These facts and a careful study of the State school reports and other sources shows that the almost unanimous verdict of those who have given this subject most careful study is unqualifiedly against the decentralized "district system" and in favor of thorough and complete control by a higher body, sometimes the town, sometimes the county, sometimes the State. The "district system" is evidently doomed.

¹ Al., Ark., Ct., Fla., Ind., Ia., La., Mass., Me., Minn., Miss., N. H., N. J., N. D., O., Pa., R. I., S. D., Tenn., Tex., Va., Vt., Wis.

CHAPTER V

COMPULSORY EDUCATION

THE principle of compulsory education is by no means a new one in our country. Massachusetts and Connecticut were among the States of the world which earliest established education on a compulsory basis. Please note the following mandatory and somewhat paternal language of the good and famous law passed by the Massachusetts Bay colony in 1642: "Be it ordered, that the selectmen of every town *shall have a vigilant eye* over their brethren and neighbors, to see, first, that *none* of them shall suffer so much barbarism in any of their families as not to endeavor to teach, by themselves or others, *their children and apprentices* so much learning as may enable them perfectly to read the English tongue, and knowledge of the capital laws."¹ This law also imposed what was then quite a heavy penalty for non-compliance with its provisions. The Connecticut code of 1650 contained very similar provisions. And the earlier judicial and municipal records show quite conclusively that these early statutes were by no means dead-letters in either colony. For many years they were quite rigidly enforced, but later legislation for various reasons relaxed. Then, early in the present century, when population began to rapidly centralize, the evils of truancy became greatly aggravated;² and this fact brought about a new movement in the direction of

¹ *Records of Mass.*, ii, p. 8.

² The first annual report of the Mass. board of education (p. 37) states that only $\frac{1}{2}$ of the children of school age in the State attended summer schools (short as they were), and only $\frac{3}{5}$ attended winter schools.

compulsion, which first came to a head in the Massachusetts law of May 18, 1852, the first compulsory attendance law in the Union.

It will be worth while to quote the language of this law because of its influence on legislation in other States. *Section I.* "Every person having under his control a child between the ages of eight and fourteen years, shall annually, during the continuance of his control, send such child to some public school in the city or town in which he resides at least twelve weeks, if the public schools of such city or town so long continue, six weeks of which time shall be consecutive; and for every neglect of such duty the party offending shall forfeit to the use of such city or town a sum not exceeding twenty dollars; but if it appears upon the inquiry of the truant officers or school committee of any city or town, or upon the trial of any prosecution, that the party so neglecting was not able, by reason of poverty, to send such child to school, or to furnish him with the means of education, or that such child has been otherwise furnished with the means of education for a like period of time, or that his bodily or mental condition has been such as to prevent his attendance at school or application to study for the period required, the penalty before mentioned shall not be incurred." *Section II.* "The truant officers and the school committees of the several cities and towns shall inquire into all cases of neglect of the duty prescribed in the previous section, and ascertain from the persons neglecting the reasons, if any, therefor; and shall forthwith give notice of all violations, with the reasons, to the treasurer of the city or town; and if such treasurer *wilfully* neglects or refuses to prosecute any person liable to the penalty provided for in the preceding section, he shall forfeit the sum of twenty dollars."¹ It is very evident that the above law contained

¹ Quoted from 24 *Mass. Sch. Rep.*, p. 131.

too many exemptions and loop-holes for effective execution. It was a task far beyond the power of the average legal machinery to probe the psychology of offending town treasurers, and prove their neglect to be "*wilful*." It is not surprising, therefore, to learn that this early law remained a dead-letter. For about two decades it was almost completely ignored, even in the reports of the State board and its secretaries. Apparently public sentiment was not yet ripe for such a measure, and no attempt was made to enforce it.

Although the law of 1852 was defective and remained a dead-letter, its passage was by no means unimportant. It was something to have the principle of compulsion recognized by law. About 1870 the State board began to urgently recommend the amendment of the law. This resulted in the act of 1873,¹ which cut down the age limit from 8 to 14 years to 8 to 12 years,² but at the same time extended the annual compulsory period from 12 to 20 weeks. The most decided improvement, however, was in the provisions for enforcement. The old loop-hole of "\$20 penalty for willful neglect" was omitted, and instead truant officers were required to prosecute for infractions of the law, "*when so directed by the school committee*." Thus responsibility was no longer divided, but rested solely upon the school committee. And yet, as it turned out, school committees obeyed the law almost as reluctantly as the town treasurers, and in many cases truant officers were not even appointed.³ On account of this latter neglect it was provided, in 1878, that their share of the income of the school fund should be withheld from towns not complying with the law of 1873.⁴ If one could safely trust the reports of the town committees for

¹ *Acts* 1873, ch. 279. ² The age limit was changed back to 8-14 years in 1874.

³ In 1875 truant officers had not been appointed in 211 out of the 341 towns in the State. Cf., 39 *Mass. Sch. Rep.*, p. 124.

⁴ *Acts* 1878, ch. 171.

1879, one would conclude that this penalty worked admirably, for in that year 214 towns reported the law "enforced." This sudden increase, however, is somewhat suspicious, and probably represents some exaggeration in the returns.

But before considering the further changes in the Massachusetts compulsory law and its present operation, let us briefly summarize the provisions of the similar laws passed by other States and Territories since the above law of 1852. The following list gives the names of those States and Territories which have thus far passed compulsory attendance laws, as well as the dates of the passage of the first law of such character: District of Columbia (1864), Vermont (1867), Michigan (1871), New Hampshire (1871), Washington (1871), Connecticut (1872), New Mexico (1872), Nevada (1873), New York (1874), California (1874), Kansas (1874), Maine (1875), New Jersey (1875), Wyoming (1876), Ohio (1877), Wisconsin (1879), Montana (1883), Rhode Island (1883), Illinois (1883), Dakota (1883),¹ Minnesota (1885), Nebraska (1887), Idaho (1887), Oregon (1889), Colorado (1889), Utah (1890), Pennsylvania (1895) and Arizona (date not ascertained). The great majority of these States prescribe an annual compulsory attendance period of 12 weeks; some prescribe 14 weeks; others, 16 weeks; a few, 20 weeks; one, 30 weeks; one, 36 weeks. The age limit during which attendance is made compulsory also varies somewhat. In some States it is 6 to 14 years; in some, 8 to 14 years; in some, 10 to 14 years; in some, 7 to 16 years; in some, 8 to 16 years; in some, 7 to 12 years; in some, 7 to 15 years; in some, 9 to 15 years; in some, 8 to 13 years. The usual penalties imposed for non-compliance with these laws are fines, which vary from one dollar to two hundred dollars for each offence. A few States inflict a short term of imprisonment.

¹ Both North and South Dakota since entering the Union have passed such laws.

It thus appears quite evident that there has been in recent years a growing tendency to adopt compulsory attendance laws in the different States and Territories. In all, thirty States and Territories have passed laws of this character since the Massachusetts law of 1852. Furthermore it is to be noted that many States which at first had very weak and indefinite laws have recently replaced them with more stringent ones and have provided more and more effective machinery for enforcing the same.¹

On the other hand a close study of both the earlier and the later compulsory laws, as well as the various school reports, reveals the fact that in many States and Territories the principle of the right of the State to interfere with the affairs of the communities to the extent of compelling school attendance is as yet little more than a beautiful theory. Many of these States have with a loud hurrah caught up the cry for compulsory education and have spasmodically rushed into premature legislation on the subject, most of which has been defective in the extreme, either containing many loopholes for evasion or else failing utterly to provide any definite or effective machinery for enforcement. Many of the States have provided so many exceptional cases in which attendance is not compulsory that the whole system has been thus thoroughly honeycombed; others have nominally required towns to provide special truant officers for enforcing the law and yet have not provided any *penalties* for failing to do so; still worse, in many cases, either no provision whatever has been made for enforcement or else the provision was so

¹ Later laws or amendments have been passed as follows: Vermont (1888), Michigan (1883, 1885 and 1895), Washington (1883 and 1890), New York (1876 and 1894), Maine (1887), New Jersey (1885), Wyoming (1887), Ohio (1889, 1890, 1891 and 1892), Wisconsin (1882: in 1889 the so-called "*Bennett Law*," repealed in 1891, but replaced by a law containing nearly all of the Bennett law, except the obnoxious sec. 5), Rhode Island (1887), and Illinois (1889, the so-called "Force Act").

intangible as to be absolutely worthless. For example, many States have made prosecutions for neglect on the part of parents and guardians dependent upon the complaint of voters or tax-payers in the district. This is manifestly an absurdly inefficient provision and consigns the law in advance to the dead-letter domain. So loose and defective in fact are many of these laws, especially the earlier ones, and so frequently are statements found in the State school reports and other sources to the effect that these laws are defective and not enforced, that there may have been some *slight* justification for the following sweeping verdict of the Colorado State superintendent, made in 1877: "Compulsory education in America is no longer an experiment. *It is a well proven failure.* . . . If American experience has settled anything during the last ten years, it has established the fact that education can *not* be made compulsory in the United States."¹ But on the whole I think that the development in educational administration during the past twenty years would go to prove the above radical statement entirely wrong and quite out of date. Several of the States, as I have said, have been marching right ahead, passing more and more stringent compulsory laws and coming nearer and nearer to a proper and effective system of administration of the same; and there is very evidently a growing tendency in this direction in several other States.² The tendency is undoubtedly more and more towards State interference in this field.

Undoubtedly the two States which have gone the farthest in this direction are Massachusetts and Connecticut. I have purposely reserved the consideration of the present condition and tendency of compulsion in these two States

¹ *Col. Sch. Rep.*, 1877-8, pp. 28-29.

² Quite encouraging reports, for example, have been received from Massachusetts, Connecticut, New York, New Jersey, Ohio, Illinois, Maine, Rhode Island, and a few other States.

for the last part of the present chapter. And we shall at once encounter two widely different systems of administration of the same in these States. In his Report for 1888-89, (p. 470) the Commissioner of Education says: "In the two States, viz., Massachusetts and Connecticut, in which the compulsory attendance laws have been the most effective (though not the most elaborate or intricate), a tendency may be noticed towards *two distinct types or systems*: In Massachusetts, though the law is in its terms obligatory upon all towns, the *system* is practically a *local-option* one, and is administered by the towns. In Connecticut, on the other hand, a more *centralized system* has been developed, in which the State executes the laws through *its own agents*, with the coöperation of the local authorities. It would seem that the latter method is more generally effective."

Let us therefore examine the two systems and ascertain which is really the better and more effective, and which seems more certain of being permanent and of being copied by other States. First let us study the local system of Massachusetts. The prominent features of the present Massachusetts law are the following:¹

1. Children between the ages of eight and fourteen years, and in towns affording opportunity for industrial education, children between the ages of eight and fifteen years, are required to attend a public or approved private school (where instruction is given in the English language) for a period of 30 weeks each school year, subject to an allowance of two weeks' time for absences.

2. Persons having control of children of the above description are held liable for the attendance of the same for the above period, and forfeit to school use the sum of \$20 for each five days' absence of any such child in excess of two weeks' allowance.

¹ *Acts Mass.*, 1894, ch. 498.

3. If any such child has been otherwise instructed for a like period in the required branches or has already acquired said branches, or his physical or mental condition renders attendance inexpedient, then said liability is removed.

4. Truant officers, appointed by the school committee of each town, are required to vigilantly inquire into all cases of neglect of the above duty, and, when so directed by the school committee, to prosecute the offender. Police, district and municipal courts, trial justices and judges of the probate court have jurisdiction.

5. Provision is also made for dealing with habitual truants and incorrigible children. Chapter 508 regulates the employment of children.

We will now inquire concerning the operation and execution of the above law. It might seem at first glance that a State like Massachusetts, which can show an average attendance of 92 per cent. of the children of all ages enrolled in the public schools, might be safe from criticism concerning the operation of its compulsory attendance law. But we should remember that this remaining fraction, though very small, may greatly menace the peace and prosperity of the Commonwealth. We must, therefore, look more definitely into the operation of the above law. In this we may be safely guided by the recent very careful investigation conducted by Mr. George A. Walton, Agent of the State Board of Education.¹ The investigation, embracing 50 representative towns and cities selected from different parts of the State, shows that there must be 13,570 persons in the State who fail by reason of parental neglect to get the prescribed amount of schooling.² This is over 5 per cent. of the entire school population. Furthermore, it appears that in only seven cases have parents been brought into the courts on the charge of neglect, and six of these cases are reported

¹ *Mass. Report*, 1894-5, pp. 529-87.

² *Ibid.*, p. 535.

from a single town. In some of the larger cities the law seems to be remarkably well enforced. This is due to a higher public sentiment, and a well-organized local administration of the law.¹ But the trouble lies in the fact that the law is very unequally enforced throughout the State. The following examples will illustrate the inequality: The average school population to *one* truant in truant schools was in Fall River, 1,355; in Lawrence, 601; in Worcester, 533; in New Bedford, 410; in Lynn, 303; in Lowell, 247. The report comments as follows on these examples: "With conditions in population and in schools so similar, the differences in the number sent to truant schools from different places can be accounted for only by referring them to the difference in the manner of executing the truant laws. That the laws are not well enforced will further appear if the ratio (488) of the number of the school children to one truant actually sent to the truant schools from the cities cited be compared with the number of truants found in the 50 places investigated. We discovered 125 truants in the investigated school population of 26,968 children. This means 1 truant to every 216 children, a ratio in striking contrast with that of 1 to 488. Applying the ratio deduced from the investigation, 1 to 216, to the above cities, it appears that less than 45 per cent. of the truants of these cities are committed to truant schools."² These few extracts from the Report prove that the Massachusetts law is by no means generally well enforced (though by far better than in any other State except Connecticut). We next inquire, Why not? Without attempting to enumerate the different reasons, it is sufficient to state that the one most important reason is that enforcement is left wholly to

¹ For example, in Boston there are 17 truant officers, including one chief; and in Cambridge 4.

² *Mass. Sch. Report*, 1894-5, p. 539.

local officers. In the language of the report, "local officers are too closely related to the offenders against these laws to make such officers the best persons that can be found to execute the laws."² In recommending alterations in the law and its administration, the Report still more bluntly confesses the weakness of the local system, and advises centralization, as follows: "It is a well-understood fact, that in a large population, as in a city, officers, appointees of the government, treat cases which we are considering with more independence than is likely to be exercised in smaller places, where an officer is liable to be influenced by his neighbors. Without taking from the law any of the provisions now belonging to towns and school committees concerning local truant officers, it would seem to be wise to make provision in it for one or more *State* school attendance officers. They should supplement the *local* truant officers, and be possessed of all the powers throughout the State conferred by law upon these officers, and be responsible to the State board of education. In the investigation carried on in fifty towns and cities, the remedy suggested by superintendents and committees for the neglect to enforce the laws is the appointment of a State officer, with power to make presentments of cases charging parental neglect, truancy and disobedience to the reasonable rules of the schools. Connecticut, employing such an officer, has had marked success in enforcing the compulsory laws of that State. . . . Upon the enforcement of the compulsory law on a few parents in different parts of the State, other parents would take warning, and a perceptible decrease would take place in the number of absences on account of parental indifference and neglect, and there would be a consequent improvement in the regularity of attendance. . . . It is in towns where there is not a proper public sentiment demanding the effective enforcement of the laws that

¹ *Mass. Sch. Report*, 1894-5, p. 540.

² *Ibid.*, 542.

such an officer would do his best work. He would *create* a public sentiment in favor of the law by the good effects which would soon be evident.¹ More than once before this the Massachusetts Reports have cited the example of Connecticut and urged greater centralization.²

It appears, therefore, from the foregoing that while the principle of compulsory education has taken a very deep hold on public sentiment in Massachusetts, and while the law relating thereto is being well enforced in many parts of the State, still the law is very *unequally* executed throughout the State, owing to absence of a strong *central* administration of the same; (2) that the defects of the local system of administration are being recognized, and a *centralized* administration of the laws is more and more becoming to be recognized not only as innocent and safe, but salutary and necessary. Perhaps it is not too much to predict that in the near future Massachusetts will wisely follow the lead of Connecticut, and turn in practice from the "local option" system to a "centralized" system.

It is interesting to turn to a brief consideration of the compulsory system of Connecticut, which State has from the start set the example for Americans of a system of administration in this field which is at once rational and effective. The vital part of the Connecticut compulsory law is contained in the following language: "All parents and those who have the care of children shall bring them up in some honest and lawful calling or employment, and instruct them or cause them to be instructed in reading, spelling, writing, English grammar, geography and arithmetic. And every parent or other person having control of any child over eight and under sixteen years of age, whose physical or mental condition is not such as to render its instruction in-

¹ *Mass. Sch. Report*, 1894-5, pp. 567-8.

² *Ct.*, for example, vol. i, p. 184; vol. lii, p. 235; vol. liv, p. 113.

expedient or impracticable, shall cause such child to attend a public day school regularly during the hours and terms while the public schools in the district wherein such child resides are in session, or elsewhere, to receive thorough instruction during said hours and terms in the studies taught in said public schools. But children over fourteen years of age shall not be subject to the requirements of this section while lawfully employed to labor at home or elsewhere.”¹ Section 29 fixes a penalty not to exceed five dollars fine for each week’s failure to comply with the above. Penalty is not incurred, however, when the child is destitute of clothing suitable for attending school and the parent is unable to provide the same, or when the mental or physical condition of the child renders such instruction impracticable. Sec. 40 requires towns to appoint truant officers. The language of the law is singularly clear and specific throughout and difficult of evasion. But the most important and characteristic feature of the Connecticut law is its system of execution. The significant language of the law concerning this is as follows: “The State board of education may appoint agents, under its supervision and control, for terms of not more than one year, who shall be paid not to exceed \$5 per day for time actually employed, and necessary expenses, and whose accounts shall be approved by said board and audited by the comptroller. *The agents so appointed may be directed by said board to enforce the provisions of the law requiring the attendance of children in school, and to perform any duties necessary or proper for the due execution of the duties and powers of the board.*”²

Here then we have a thoroughly centralized system of administration for the compulsory law—a very definite law, definite local officials subject to the direction of a *central machinery*. We have seen this system cited by way of con-

¹ *Sch. law*, 1896, sec. 28.

² *Ibid.*, sec. 15.

trast with the Massachusetts system. Let us see directly how compulsory education has operated in Connecticut under this system of administration, which has practically existed ever since the passage of the Act of 1872. Perhaps we can show the workings of the system in no better manner than by making a few quotations from the State Reports from 1872 to the present time. As early as 1873 we find the following statement: "The law is generally approved and I learn of no opposition to it. . . . It is certainly increasing the attendance in many places."¹ In the report for 1875 (p. 27) we find the following statement: "In Connecticut public sentiment is steadily growing in favor of the legal prevention of illiteracy. Stringent as are our laws on this subject, they have awakened no public opposition. . . . A few parents—I have not heard of a dozen in all—openly defied the law, but as soon as they found that the law was imperative and that legal complaints were made out against them, they were glad to stay proceedings by compliance with its provisions." The same report (p. 29) contains the following important direct allusion to the work of the State Agent: "A journey of the Agent or Secretary to the remotest district of the State would be amply compensated by the addition of a single child to the regular attendance at school. For the very purpose of increasing the attendance, the Agent is now chiefly occupied in visiting schools, school officers, and in some cases parents." We get a good idea of the efficiency of the centralized administration of the law from the number of prosecutions. There were nine prosecutions of employers between 1875 and 1886, and fifty-two prosecutions of parents and guardians during the same years.¹ Mr. Giles Potter, who has been the State Agent ever since the adoption of the law, says "there have been prosecutions of parents or employers every year since 1878. But

¹ *Sch. Rep.*, 1873, p. 140.

constant efforts have been made to secure the due observance of these laws by other means. . . . In enforcing these laws, much has been done by school visitors and other local officers by coöperating with the agent of the State Board."¹ In 1887 there were six prosecutions of employers and thirty prosecutions of parents and guardians. Concerning this unusually large number of prosecutions Mr. Potter says: "I have endeavored to follow up more thoroughly than formerly cases where it had been found that there had been criminal neglect on the part of parents and others having control of children. In doing this a much larger number of parents have been prosecuted . . . than in any former year."² In 1889 there were seven prosecutions of employers and twenty-nine prosecutions of parents. In this year 764 children illegally absent were sent to school. In 1894 there was a total of twenty-two prosecutions. Concerning these prosecutions in general Mr. Potter says: "Prosecutions of parents and others having control of children have been made only in cases where there has been continued neglect of the children and defiance of law. It is not pleasant to resort to such means, but it is doubtless well that some do make themselves objects for the enforcement of the law and examples of what the law can do."³ He further comments as follows: "There is evidently an increasing tendency to regard violators of these school laws as deserving punishment quite as much as those who do violate any other criminal statutes."⁴ It is very doubtful if such a sentiment could have been created under any mere local option system.

It is very interesting to note the change in public sentiment in Connecticut during the past twenty-five years regarding compulsory education, as developed by this thoroughly business-like and centralized system of administration,

¹ *Sch. Rep.* 1886, p. 48.

² *Ibid.*, pp. 48-9.

³ *Ibid.*, 1888, p. 32.

⁴ *Ibid.*, 1896, p. 34.

⁵ *Ibid.*, 1888, p. 35.

especially as contrasted with all the other States in which a merely local and ineffective executive machinery has been established. At first twelve weeks' attendance each year was all that could be exacted, and that somewhat reluctantly; now thirty-six weeks are required in every district in the State. At first the age limit was eight to fourteen years; now it is eight to sixteen years. At first the people were opposed to the system, and cried out against what was thought to be excessive centralization; now they send in numerous requests from all parts of the State each year for the services of these same agents of the central board. In short, everything goes to show that the system is working admirably.

And what has proven true in Connecticut probably might and perhaps will prove true in other States of the Union. When compulsory education, even in its dilutest form, was first agitated in this country, it was everywhere declared to be unsuited to the "genius" of the people; "the first step towards centralization," "opposed to the spirit of American institutions," and other like shocking epithets were hurled at it from every quarter. But as the Commissioner of Education says: "The arguments and discussions of 30 years or more have been gradually silencing opposition, and public sentiment is slowly crystallizing in the direction of requiring by law all parents to provide a certain minimum of school instruction for their children. *This tendency is unmistakable.*"¹ Facts indicate very plainly that Americans are getting over their proverbial fear of such phrases as the above, and are being converted to compulsory education by its evident practicability. It is no longer deemed sufficient in a free public school system like ours to simply give every child an opportunity to acquire an elementary education, but the very safety of the State imperatively demands the

¹ *Com. Educ. Rep.*, 1888-89, p. 470.

certain securing of this great essential of good citizenship to every child.

Furthermore it is noticeable that our State officials are no longer afraid to quote favorably European precedents and models in educational administration. For example, as early as 1872, State superintendent Bateman of Illinois said: "It has been proved that the intervention of the legislature, by means of compulsion, is necessary to perfect the American school system—that such intervention is not unconstitutional or tyrannical; that the allegations as to the incompatibility of such laws with the nature and spirit of our political system are unfounded, as also are the apprehensions concerning the assumed harshness and severity of their enforcement; that the operation of such laws in many of the most enlightened States of Europe is a vindication of their wisdom and beneficence, *affording an example that may be safely followed.*"¹ Three years later, the State superintendent of California uttered the following pungent truth concerning this point: "There can be nothing *un-American* in adopting *non-American* means to eradicate *non-American* evils which refuse to yield to American means."² And since the above comments were made, one finds in the various State reports very many references to the more effective centralized administration of European countries, and of Connecticut, in the line of compulsory education, as something desirable for other American States to copy. What is indeed wanted in America to make compulsory education thoroughly successful, is a strong administrative department at the head of the system in each State. Connecticut, one of the earliest and staunchest upholders of local self-government, has taken the lead in asserting that, in this one realm at least, this time-honored and hoary principle must be supplemented by efficient State control; and while many

¹ *Ill. Sch. Rep.*, 1872, p. 187.

² *Cal. Sch. Rep.*, 1874-75, p. 35.

States still lag and none have come up to the standard set by Connecticut, a few are following close in her tracks, and the *tendency* is already quite strong in the direction of a wise *centralization* of administration in this realm.¹

¹It may be well to also note here that the State superintendent of New York is authorized "to employ such assistants as he may deem necessary" to enforce the compulsory attendance law of that State. *Cf.*, *Act* 1894, sec. 10.

CHAPTER VI

STATE REGULATION OF TEXT-BOOKS

DURING the past twenty-five years a great many laws have been passed by the various States and Territories regulating the selection, adoption and supply of school text-books. A brief examination of these laws will, I think, prove interesting and profitable, as they reveal another strong tendency towards centralization in educational administration. Let us examine these laws with reference to the following three subjects:

A. The various kinds of uniformity established.

B. The various periods of use prescribed.

C. The various systems of supply.

(*A*) A very few of the States and Territories have no laws whatever on the subject of text-book uniformity. Many of the States have as yet only made *district* uniformity compulsory.¹ In a few of these States, however, the State superintendent is authorized to *recommend* text-books for uniform adoption.² Several States go one step further and make *township* uniformity *compulsory*.³ The next stage of centralization would naturally be *county* uniformity, and at least seven States have made this system *compulsory*.⁴ Furthermore two other States have passed *permissive* county uniformity laws.⁵ New Jersey has a system which is a cross

¹ Ark., Col., Ill., Ia., Kan., Mich., Neb., N. Y., N. D., S. D., O., Pa., Tenn., Wis.,

² Wisconsin and Arkansas. In the latter State the attorney general has held that district directors in adopting text-books are confined to the list prepared by the State superintendent.

³ Mass., Me., Ct., N. H., R. I.

⁴ Fla., Ga., Ky., Md., Miss., Vt., N. C.

⁵ Ia., Kan.

between district and county uniformity. In this State district boards "in connection with the county superintendent" prescribe text-books for the schools under their charge. In Tennessee, county superintendents recommend text-books "with a view to securing" county uniformity. At least sixteen States and Territories¹ have gone to the extreme of centralization in the direction of text-book uniformity by establishing a system of compulsory *State* uniformity under the control of the central educational authorities. The Kentucky State board of education *recommends* lists of text-books from which county superintendents *must* select. The school law of Connecticut² empowers the State board of education to prescribe text-books for the State, but the power has never been exercised. Several of the States which have not established a general system of State uniformity have prescribed a text-book in physiology and hygiene for use in all the schools of the respective States. Some of the above States impose the penalty of forfeiture of their share of the school fund upon all localities not complying with the above laws.

(B) The majority of the States have asserted the principle of State control over the local authorities by prescribing a period during which text-books cannot be changed. This period is *three years* in Arkansas, North Carolina, Pennsylvania, Rhode Island and Wisconsin; *four years* in California, Colorado, Idaho, Illinois, Louisiana and Virginia; *five years* in Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Kentucky, Maine, Michigan, Missouri, Mississippi, Nebraska, New Hampshire, New York, South Carolina, Vermont and Washington; *six years* in Indiana, Montana and Oregon. The Minnesota law of 1877 prescribed a period of 15 years;

¹ Ariz., Cal., Del., Id., Ind., La., Mo., Mont., Nev., Or., S. C., Utah, Va., Wash., W. Va., Wy.

² *Sch. law*, 1896, sec. 13.

the law of 1893 a period not less than 3 nor more than 5 years.

(C) Several systems of supplying text-books to pupils are prevalent in the various States, the most important of which are the following:

I. Individual purchase in an open market. This plan, which implies no State control whatever, is perhaps as yet the most common one. It is established in at least fifteen States.¹

II. Contract system. Under this system either the State or the local authorities, by means of contracts with the publishers, regulate or control the wholesale or retail price of text-books, or both. Such contracts are made by county authorities in five States;² by State authorities in twelve States.³ The general practice under the State contract system is for publishers to make bids for furnishing all the schools of the State with one or more of the State series of text-books, and for the State board of education to decide which proposition it will accept. In Montana and West Virginia the prices of text-books are directly fixed by law; in Ohio by the so-called "School-book board."

It is interesting to here allude to the complicated and highly centralized State contract system established by the Minnesota law of 1877. Although this law has now been repealed, it illustrates most admirably the fact that the principle of "local self-government" is sometimes cast completely to the winds and the most extreme centralization adopted in order to achieve some much desired end. Under this Minnesota law the State entered into a 15-year contract with Mr. D. D. Merrill to furnish a series of text-books for the

¹ Al., Ark., Col., Ct. (except in towns and districts having the free text-book system), Ga., Ill., Ky., Mich., N. J., N. Y., N. D., S. D., S. C., Tenn., Tex.

² Kan., Md., Miss., N. C., Vt.

³ Id., Ind., Ia., Mo., Mont., Nev., O., Or., Va., Wash., W. Va., Wy.

schools of the State. The State fixed the standard of quality and the maximum price of said books. The law was to be executed by school districts under penalty of forfeiture of their share of the State school moneys.

It seems that the various plans of State uniformity and State contract have attracted considerable criticism in different parts of the country. The following stinging denunciation by Supt. A. P. Marble, now of New York, may perhaps be taken as a sample of the kind of criticism and opposition aroused: "These attempts at State interference with that which does not belong to the State have not been successful. . . . They are contrary to the genius of our institutions. . . . State decree is usurpation. . . . State contract, the next step towards Russia, is a further usurpation; it perverts the functions of the State from government to business, from making laws for the general good to selling school books, with a purpose, by no means accomplished with any certainty, of saving a few cents yearly to the individual citizen."¹ I have no desire or intention to attempt to discuss the merits of State uniformity and State contract or to refute the objections raised. Certainly it is true that this system is a long step towards centralization; but I simply accept the actual conditions as facts showing a tendency in this direction, whether salutary or otherwise. It is only fair, however, for me to briefly quote from the opinion of representative officials in the States which have actually tried these more centralized systems. We may then be better able to judge of the real strength and probable durability of this tendency. The State superintendent of Louisiana in 1889 said: "To date, so far, the scheme to secure uniformity in the use of books at reduced prices has proven unsatisfactory to those upon whom devolve the expenses of purchasing them."² The West Virginia superintendent said in

¹ *Com. Educ. Rep.*, 1888-9, p. 575.

² *Ia. Sch. Rep.*, 1888-9, p. 3.

1890: "Since 1879 the State has by law contracted through the State superintendent for all public school-books and fixed the maximum price at which these books shall be purchased from the publisher and sold by the retail dealers throughout the State. This system gives our people uniform books at uniform prices. This system just described is at the present time in operation in this State, and in my judgment gives very reasonable satisfaction. The obstacles in the way of making it entirely satisfactory are that in remote sections of the State the per cent. of profit to the retail dealers does not offer sufficient inducement to handle the books, and so the people do not always find a convenient supply at hand. When these obstacles are removed and some other changes made, I believe our system will render almost entire satisfaction."¹ The Montana superintendent wrote in the same year: "I believe in a uniform series of books for use in the State, as children are continually changing residence, and the expense of books for use in the public schools is reduced to a minimum. . . . Our present series meets as a whole with popular approval."² The same year the Oregon superintendent said: "This system is satisfactory to the people generally, so far as I know;"³ and the Washington superintendent said: "The law requiring uniform text-books has given very general satisfaction, so much so that our legislature, which has just adjourned, readopted it as a part of our State code, . . . I think no better system could be adopted for our use than the one referred to."⁴ In 1894 the Idaho superintendent said: "The State is to be congratulated upon the success of the system, not only in the increased efficiency of her schools, but in the great saving of expense in the purchase of books."⁵ A similar verdict was rendered in 1890 by the Nevada superintendent.⁶

¹ 7th Bien. Tex. Sch. Rep., p. xlii. ² *Ibid.*, p. xxxv. ³ *Ibid.*, xxxviii. ⁴ *Ibid.*, p. xlii.

⁵ *Id. Sch. Rep.*, 1893-94, p. 22.

⁶ 7th Bien. Tex. Sch. Rep., p. xxxvi.

Without citing further expressions of opinion, I will simply say, on the other hand, that in judging this question due weight must be given to the fact that Minnesota, after a long trial, and North Carolina, after a short trial, have both abolished the system of State contract. But in judging the general *tendency* in this direction, we must also remember that Indiana, which has one of the best school systems in the country, established a system of State contract in 1889; Missouri, in 1891; and Idaho, in 1893. Friends of the system seem to be raised up more rapidly than its enemies. Furthermore, it may not be amiss to say that the system recently abolished in Minnesota was not the typical State contract system, and contained some special features which were objectionable in themselves, but not necessarily condemnatory of the general system. As far as concerns the abolition of the State contract system in North Carolina, it is known that this was done by a Legislature which was proverbially ruthless in its treatment of the existing school law of the State, and this in face of strong opposition by prominent educators and officials of the State.¹

It may also aid us in judging of the strength of this tendency towards centralization to glance at the legal and constitutional phase of the question. Of course, the enemies of State uniformity and State contract have frequently contested its constitutionality, but it would seem that they have been clearly defeated on this phase of the question. The following quotation, from the opinion in the Indiana case of *State vs. Haworth*,² may be taken as a type of the opinions rendered on the same or similar questions in several States: "It is impossible to conceive of a uniform system of common schools without power lodged somewhere to make it uniform; and, even in the absence of express constitutional provisions, that power must lie in the legislature. If it does

¹ *N. Car. Rep.*, 1893-94, p. 34.

² 122 Ind., 462.

reside there, then that body must have, as an incident of the principal power, the authority to prescribe the course of study and the system of instruction that shall be pursued and adopted, as well as the books which shall be used. . . . Having this authority, the legislature may not only prescribe regulations for using such books, but it may, also, declare how the books shall be obtained and distributed. If it may do this, then it may provide that they shall be obtained through the medium of a contract awarded to the lowest bidder. . . . The statute is not within the constitutional provisions directed against monopolies: . . . The object of the act is to secure books for the public schools, by means of open competition after full notice."¹ In a similar opinion the Supreme Court of Minnesota, in the case of *Currier vs. Merrill*, held that the State could compel the patrons of the schools to buy the books from its officers; and the Supreme Court of California held, in the case of the *People vs. State Board of Education*, that the decisions of the State board as to text-books were final, and must be obeyed by all local boards and officers. It seems quite clear, from the cases cited, that this form of centralization is already recognized in our jurisprudence and upheld by our courts as constitutional, in spite of the strong American predilections towards local self-government.

Furthermore, while one can easily find in some States which have not adopted any such centralized system many expressions of holy horror over the desecration of American institutions and departure from the straight and narrow path of local self-government, one notes that these objections have weighed very lightly in those States which have made up

¹ The same general doctrine has been distinctly asserted in other cases, *e. g.*, *State v. Hawkins*, 44 Ohio St., 98; *Currier v. Merrill*, 25 Minn., 1; *Bancroft v. Thayer*, 5 Sawyer, 502 (Oregon); *State v. State Bd. Educ.*, 18 Nev., 173; *People v. State Bd. Educ.*, 49 Cal., 684.

their minds that this form of centralization is wise and expedient. It seems fair to conclude, therefore, that whatever may be the merits or demerits of State uniformity and State control, there is as a matter of fact quite a decided tendency towards this form of centralization, and seemingly this tendency is increasing rather than waning.

III. Free Text-Book System. Under this system text-books are purchased by the district, township or county and loaned to the pupils free of charge, subject to such rules and regulations as the authorities may prescribe. The following States have practiced State interference to the extent of making this system of supply *compulsory*: Delaware, Idaho, Maine, Massachusetts, Nebraska, New Jersey, New Hampshire and Pennsylvania. *Permissive* laws authorizing local authorities to adopt this system have been passed in at least all of the following States: Colorado, Connecticut, Michigan, Minnesota, North Dakota, Vermont and Wisconsin. Since 1888 the county boards in Maryland have been authorized to sell, rent or furnish text-books free, at their own option. Text-books are also furnished free in a number of cities, towns and districts in New York and Rhode Island. Quite a number of other States *require* local authorities to furnish free text-books to *indigent* children, and still others *authorize* this.

From the foregoing brief statement it is evident that there is a very strong tendency in the eastern section of the country toward this system of free text-books, and also a slight tendency in the West in the same direction. Six eastern States and two western States have thus far made this system compulsory; and there are at least five other eastern States and five other central and western States in which this system is either *practiced* or *authorized by law*. It is fair to infer, I think, that the permissive laws in the above States will soon prove to be steps toward compulsory laws, as they

have already in some. It is quite evident, therefore, that there is a strong tendency in this field towards State control, and the probability that this tendency will grow stronger and stronger in the near future is increased by the fact that the system seems to be very enthusiastically indorsed in many school reports and elsewhere, and on very substantial grounds.¹ I think it interesting to quote in conclusion on this point the following positive statement and prediction contained in the Indiana school report for 1888 (p. 431): "Free books are a logical consequence of free schools. The people need not be scared by the bugbear of paternal government, which the advocates of *laissez-faire* in this country perpetually invoke. Many things that may be left to individual enterprise in a frontier country, such as our own was fifty years ago, can no longer be trusted to such agencies when civilization thickens, the struggle becomes severe, and the whole machinery a hundred-fold more complex. The question of State schools is pretty fairly settled in this country in favor of that system. When once it is established that free books are essential to the efficiency of these schools in the training of the masses, question as to expediency will be at an end."

IV. State Publication. A very extreme and unique case of centralization in school administration is the California system of State publication of text-books. This system was established in 1885 in conformity to a constitutional amendment of the previous year. Under this system the State board of education has had compiled and copyrighted a series of text-books, and the same has been printed under the direction of the government printer. The books are furnished to pupils at cost, and retail dealers are required to make an affidavit that they will not sell them at a price ex-

¹ Cf., for example, *7th Bien. Tex. Sch. Rep.*, p. xxxix, and *Id. Sch. Rep.*, 1893-4, pp. 22-23.

ceeding that fixed by the State board. County school boards are required to provide a "revolving fund" in order to enable county superintendents to purchase the State text-books.¹

It is not within my purpose to fully discuss the merits and demerits of State publication. It will suffice to make a few quotations from the statements of the California State superintendent concerning the same. In the school report for 1890 (pp. 37-42) he says: "The advantages of State publication are that it has relieved county boards of education from the solicitations of book agents; that it has reduced the prices of the books from former rates, and that the money spent therefor has been retained in our own State. The disadvantages claimed are: *first*, that it costs the State more to manufacture the books than it would cost a private publishing house. This is true, because the State pays its employés a higher rate of wages and requires only eight hours of daily service; *second*, the lack of all competition in the authorship; *third*, the intrusting of the work of supervision to a board whose members are already burdened with duties and which is subject to frequent changes." Again he says, in the same report: "The State publication of text-books in California has undoubtedly been one factor in causing the publishers of school books generally to reduce their prices, and there is not now so great a difference between the prices of our State series and those of private publishers." It would seem that some of the disadvantages mentioned are not necessarily an incident of State publication. Lower wages *might* be paid, if it were desirable, and the expense of printing thus reduced; and the supervision of the work might be given to a special board. But whatever the advantages or the disadvantages of the system may be, the fact remains that the system has

¹ Act of 1885, secs. 1-10; also Act 1887, secs. 1-7.

been in operation for over ten years, and its creation and present existence furnishes a most admirable example of centralization in administration; and it furthermore shows, that California is not at all afraid of paternal government and extreme centralized administration in the department of education when supposed advantages accrue from the same. Local self-government has certainly here been left far behind in the search for better administration.

While referring to this California plan of State publication, it may be well to note that the Connecticut State board of education is required by law to prepare a text-book in physiology and hygiene for use in the public schools of the State.¹ In accordance with this provision the State board, in 1886, not only prepared but published a small text-book, which was widely circulated throughout the State. It has not been the practice of the board, however, to insist on the exclusive use of this text-book.² It is also interesting in studying the recent tendencies, to note that within the past few years bills have been introduced into the Legislatures of Indiana, Ohio, Illinois, Wisconsin, Missouri, Kansas, Kentucky, New York, Iowa and Texas looking towards State publication of text-books. One of these bills, that of Illinois, proposed to employ convict labor in this work.

¹ *Sch. law*, 1888, sec. 9.

² *7th Bi. Tex. Sch. Rep.*, pp. xxvii-viii.

CHAPTER VII

STATE REGULATION OF COURSES OF STUDY

CLOSELY connected with the subject of text-book regulation is that of regulation of courses of study. Here again we find a strong tendency toward direct State control and extreme centralization in administration. The school law of at least thirteen States¹ empowers either the State superintendent or the State board of education to prescribe a uniform course of study for the common schools of their respective States.² The Territorial board of Arizona is also given the same power. The school law of Texas after prescribing a *minimum* course of study provides for such other studies as may be "directed by the State Superintendent."

At least eleven States,³ which have not yet gone so far in this direction as the above, have made a certain *minimum* course of study compulsory upon the local authorities, the course varying considerably in the different States. Several States not only make a certain minimum course of study compulsory in all the common schools, but also a further, more extensive course for high schools. For example, every town in *Massachusetts* containing 500 families or householders is compelled by law to establish a high school in which shall be taught, in addition to the subjects ordinarily required, general history, book-keeping, surveying, geometry, natural philosophy, chemistry, botany, Latin, and the civil

¹ Id., Ky., La., Me., Miss., Mont., Nev., N. D., Pa., S. C., Vt., Wash., W. Va.

² Many of these States make very minute regulations concerning the course of study.

³ Cal., Col., Ct., Ind., Ky., Md., Mass., Tex., Tenn., Va., Wis.

polity of the State and of the United States.¹ Towns containing 4000 or more inhabitants are still further required to maintain instruction in Greek, French, astronomy, geology, rhetoric, logic, intellectual and moral science, and political economy.² Towns containing over 10,000 inhabitants are required to furnish to every person over fifteen years of age free instruction in industrial and mechanical drawing.³ By an act of June 14, 1894, towns containing 20,000 or more inhabitants are required to maintain a course in manual training, "the course to be pursued in said instruction shall be subject to the approval of the State board of education." In *Vermont* all towns containing 2500 or more inhabitants are required, in addition to the subjects noted above, to maintain instruction in English literature, higher mathematics, the sciences, political economy, civil government, general history and rhetoric.⁴ The school law of *Maine* requires that "the course of study in the free high schools shall embrace the ordinary English academic studies, especially the natural sciences in their application to mechanics, manufactures and agriculture."⁵

Most of the States thus far mentioned in this chapter, and some others which have not gone quite so far in State regulation as these, have made compulsory in all the schools of the several States instruction in physiology and hygiene, "with a special reference to the nature of alcohol and narcotics, and their effects upon the human system." Among the States which have practiced State interference in this respect are the following: Massachusetts, Wisconsin, California, Colorado, New York, North Carolina, Iowa, New Hampshire, Minnesota, Vermont, Maryland, Michigan, Nebraska, Indiana, Pennsylvania, West Virginia, Texas, Connecticut, North Dakota, Washington and Montana.

¹ *Sch. law*, 1892, ch. 44, sec. 2.

² *Ibid.*

³ *Ibid.*, sec. 7. ⁴ *Vermont Stat.*, 1894, sec. 700.

⁵ *Sch. law*, 1895, sec. 31.

A very good example of State control over courses of study is displayed in the Minnesota high school board, referred to in Chapter III. This board is also a good illustration of the fact referred to in Chapter II, that State *aid* inevitably leads to central *control*. The degree of centralization reached in this Minnesota board may be judged from the following brief quotations from the school law. The board is required to periodically "visit each school receiving aid." It has "full discretionary power to consider and act upon applications of schools for State aid, and to prescribe the conditions upon which said aid shall be granted."¹ It also has the "power to establish any necessary and suitable rules and regulations relating to examinations, reports, acceptance of schools, courses of study, and other proceedings under this act."²

¹ *Stat. Minn.*, 1894, sec. 3873.

² *Ibid.*, sec. 3871.

CHAPTER VIII

STATE CONTROL OF TEACHERS' EXAMINATIONS

IN no department of school administration is effective central control and supervision more necessary and vital than in the examination and determination of the qualifications of teachers, and yet, in all the States, until quite recently, this element has been conspicuously lacking. The time-honored practice has been to leave this matter to the unrestricted action and caprice of local authorities. But experience and "grinding necessity" have gradually developed a tendency toward centralization, and direct State control in this administrative field. In many States this tendency is still rather weak, but, on the other hand, it is quite strong in others.

Undoubtedly the State which has gone the farthest in this direction is New York, she having developed a very complete system of uniform State examinations under thorough central control. The system has been in nominal existence for a number of years, but has recently been greatly improved and rendered a reality. As the system now stands it is uniform throughout the State, except in certain school districts organized under special acts. The questions for examination are uniform and are prepared under the direction of the superintendent of public instruction. Examinations occur on the same date in every commissioner district in the State. But the special point of superiority in the New York system is the fact that there is a really effective and permanent State board of examiners, consisting of experienced professional officers long identified with the educa-

tional work of the State. This board, consisting of five members and two clerks, was organized June 1, 1894. All answer papers submitted by candidates throughout the State are forwarded to the central department, and there examined and marked by the State board free from the influences of favoritism and personal prejudice. This board is established on a non-partisan basis.¹

The reports of the operation of the above briefly-outlined system are certainly favorable and enthusiastic in the extreme. The State superintendent, in January, 1895, commented on the system as follows: "This change in the method of determining who are entitled to certificates is one of the greatest reforms that has been inaugurated in our school system for many years. . . . It removes the possibility of any commissioner exercising unfair discretion for or against any teacher. It has lifted the system of examining and licensing teachers above all considerations except their fitness to enter the service. . . . The uniform system is of great advantage and convenience to teachers. Under this system a certificate of any grade issued in one county stands for the same value as a certificate of corresponding grade in any other county in the State, and a teacher who becomes entitled to a certificate of any grade may receive the benefits to which he or she is entitled under such certificate in any commissioner district in the State without further examination. . . . It is gratifying to report that the system is meeting with success from every standpoint, is giving entire satisfaction, and has the hearty support of all the educational forces of the State. . . . Its results thus far have more than met our most sanguine expectations."²

Mississippi also has a State board of examiners, appointed by the governor, whose duty it is to grade the papers of all

¹ For fuller outline of the system, *cf.*, 41 *N. Y. Sch. Rep.*, pp. 30-31.

² *Ibid.*, pp. 31-32.

applicants for certificates, and which is empowered to hear and decide all appeals regarding examinations.¹ The weak point in the Mississippi law seems to be the fact that the compensation of the board consists entirely of examination fees.

In at least sixteen States and Territories,² the school law provides that uniform examination questions shall be prepared either by the State superintendent, State board of education, or State board of examiners. In most of these States the same authorities are empowered to fix uniform dates for examinations and to prescribe rules and regulations for conducting the same. Without specifically conferring this power of preparing uniform questions, the law of New Hampshire provides that examinations shall be conducted "by such persons and in such manner as the State superintendent may designate."³ The Wyoming State superintendent is empowered to "regulate the grade of county certificates."⁴ In Missouri the county superintendents are to be guided by the instructions of the State superintendent in the examination, grading and licensing of teachers."⁵ The New Jersey State board, acting under its general power to make regulations, has provided quite in detail for a system of uniform examinations."⁶ In Indiana a system of uniform examinations under the direction of the State board of education has been evolved from the following broad grant of power made in 1865: "The State board of education is empowered to take cognizance of such questions as may arise in the practical administration of the school system not otherwise

¹ *Sch. laws of 1896*, no. 1, sec. 4.

² Ark., Fla., Id., Kan., Mich., Miss., Mont., Nev., N. D., O., Ok., S. C., Tenn., Tex., Vt., Wash.

³ Act March 19, 1895, *Sch. law*, 1895, p. 41.

⁴ *Com. Ed. Rep.*, 1893-4, p. 1254.

⁵ *Ibid.*, p. 1220.

⁶ *Sch. law*, 1895, pp. 137-42.

provided for.”¹ The system thus evolved received direct legislative sanction in 1883 by the enactment of the following section: “Whosoever shall sell, barter, or give away, to applicants for license, or to any other person, the questions prepared by the State board of education, to be used by the county superintendents in the examination of teachers, or in any way dispose of said questions contrary to the rules prescribed by said State board of education, shall be deemed guilty of a misdemeanor; and on conviction shall be fined in any sum not less than ten nor more than two hundred dollars.”²

It would seem, therefore, that the laws of the above States afford ample basis for quite thorough central control over the examination of teachers. It is well to note, also, that in a very large number of States which have not gone so far in this direction as have the above, there is a system of special State certificates granted by the State board, which certificates are valid in any portion of the State.³ Generally the State board is given very large powers of regulation and control over these certificates.⁴ In most of the States also the subjects in which candidates are examined are prescribed by the central authorities. It is also very common for the State to fix the general average which all local examining boards must require, and to prescribe certain qualifications and disqualifications for teachers. Furthermore, in many States which have not yet established a complete system of uniform examinations under central control, this question is being

¹ *Annot. Sch. law*, 1895, p. 53.

² *Ibid.*

³ The law of many States provides that diplomas from State normal schools shall be accepted by local authorities in lieu of the regular examinations. A few of the States provide for the same exemption for holders of teachers' diplomas from the State university and certain colleges.

⁴ Generally certificates are revocable for good cause by the authorities granting the same. The New York State superintendent can annul for cause any certificate granted by any authority in the State.

favorably agitated and urgently recommended by school officers and others. It seems very safe to conclude, therefore, from all the foregoing facts, that there is a very strong and growing tendency among the States to place the examination of teachers under direct State control, and to centralize the administration of the same. Here again, in this field, the new tendency at first met with violent opposition in some States.¹ As the State superintendent of Arkansas recently said, "The opponents of the system frequently called up the spook 'centralization,' and used it in their arguments to frighten the bystanders. The dead heroes turn over in their graves when this term is applied to the machinery of a State." But, in spite of the "spooks" and the "dead heroes," the system has, as we have seen, gained a firm foothold, and has rapidly banished its enemies. In this field, also, it has been clearly demonstrated that the extreme application of the principle of "local self-government" must give way if the best possible school system is to be developed.

¹ Cf., for example, *Miss. Sch. Rep.*, 1893-95, p. 41, and *Fla. Sch. Rep.*, 1892-94, pp. 81-82.

CHAPTER IX

STATE CONTROL OF TEACHERS' INSTITUTES

DURING the past fifty years there has been a very general development of teachers' institutes until to-day, they are established in nearly, if not quite, all of the States and Territories of the Union. There is still, however, a very great diversity among the various States in respect to the mode of organizing, regulating and supporting these institutes. In some States they are wholly voluntary associations, and in others they are made compulsory by law; in some they are held directly under State authority, and in others under local authority; in some they are organized into a State or district system, and in others into a county system. In some States the expenses are paid out of State funds; in others out of county funds; in others by the fees for teachers' licenses; and in still others by contributions from teachers. In some cases the institutes are held at regular times when the schools are closed, and in others they are held at any time the various local authorities may decide and when the schools are in session; in some the schools are closed during the sessions of the institute and in others they are not; in some the teachers are paid their regular wages while in attendance and in others they are not; in some attendance on the part of teachers is made compulsory and in others it is not.

The degree of State control and centralization existing in the organization and management of teachers' institutes will appear by examining the laws of the various States with reference to some of the above characteristics. First, let us

notice that in twenty States the holding of State, district, county, or township institutes (in some cases both State and local institutes) has been made *unconditionally compulsory*.¹ The holding of institutes is made conditionally compulsory as follows: in Washington, in every county containing 25 or more school districts;² in California, in every county containing 20 or more districts;³ in Mississippi, in every county containing 15 or more districts;⁴ in Montana, in every county containing 5 or more districts;⁵ in Alabama, in every county containing 10 or more teachers of either color;⁶ in Missouri, in every county voting to employ all the time of the county commissioner.⁷ In Michigan one annual State institute is made compulsory and one county institute in every county containing 1000 or more children of school age.⁸ In Wisconsin the State superintendent and the board of regents of the Normal Schools decide what counties shall have institutes.⁹ In Minnesota the State superintendent alone decides.¹⁰

State authority has been still farther exercised in twenty-three cases¹¹ by making *attendance* at institutes *compulsory* on the part of teachers. In eight of these States¹² this require-

¹ Ark., Col. (*Sch. law*, 1891, sec. 81), Del., Ind., Ill., Kan., Ky., Neb., Fla., Md., N. D., N. H., N. Y., Pa., Tex., Vt., W. Va., Or., Wy., N. J. (a regulation of the State board makes county institutes practically compulsory. *Cf.*, *Sch. law*, 1895, p. 143.)

² *Sch. law*, 1893, sec. 72.

³ *Sch. law*, 1895, p. 12.

⁴ *Sch. law*, 1894, sec. 4061.

⁵ *Sch. law*, 1895, sec. 1900.

⁶ *Code Alab.*, sec. 995.

⁷ *Com. Ed. Rep.*, 1884-85, p. 161.

⁸ *Sch. law*, 1895, ch. 15, sec. 3.

⁹ Sanborn & Berryman, *Annot. Stat. Wis.*, sec. 407.

¹⁰ *Stat. Minn. of 1894*, sec. 3727.

¹¹ Al., Ariz., Ark., Cal., Del., Id., Ind. (by a decision of the State superintendent, *cf.*, *Sch. law*, 1895, sec. 4520, n. 3), Ky., Minn., Mo., Mont., Neb., Nev., N. Y., N. C., N. D., S. D., N. J., Or., Tex., Wash., Wy., W. Va.* (until prescribed graded course of institute work and professional study is completed.)

¹² Ky., Mont., Neb., N. Y., N. D., Or., Wash., W. Va.

ment is rendered effective by making the certificates of non-attending teachers *revocable*. Two of these States ¹ impose the additional penalty of forfeiture of wages during institute session. Louisiana imposes the sole penalty of forfeiture of one day's wages. Quite a number of the above mentioned States have offered an incentive for attendance at institutes by providing that teachers shall suffer no loss of wages for attendance upon institutes held when the schools are in session. The school laws of at least seventeen States contain provisions of this character.² In Colorado 5 per cent. is added for attendance to the examination grade of all candidates for teachers' certificates.³ Some of the States not only make attendance at institutes compulsory and require local authorities to secure teachers against loss of wages during said attendance, but also specifically require the schools to be closed during institute sessions.⁴

Teachers' institutes have been made the subject of annual State appropriations, as follows: In New York, \$30,000;⁵ Arkansas, \$10,000 (for county normal institutes);⁶ Minnesota⁷ and Wisconsin,⁸ \$7,000 each; Massachusetts⁹ and Connecticut,¹⁰ \$3,000 each; Tennessee,¹¹ \$1,500; West Virginia¹² and Rhode Island,¹³ \$500 each; Michigan, \$400 for State institute and \$60 for each county institute, if county fund is not sufficient;¹⁴ Nevada, \$100;¹⁵ New Jersey, \$100 for each county;¹⁶ Iowa, \$50 for each county institute

¹ Mont., N. D.

² Ariz., Ark., Cal., Del., Id., Ind., Ky., Mich., Minn., Mont., Neb., N. J., N. Y., N. D., Or., Pa., Wash.

³ *Sch. law*, 1891, sec. 81.

⁴ Among these are Ky., Id., Ind., Neb., N. Y., N. D., Pa.

⁵ *Consol. Sch. law*, 1895, title x, sec. 8. ⁶ *Sch. law*, 1895, p. 24, Act 1895.

⁷ *Stat. Minn.*, 1894, secs. 3728-32. ⁸ Sanborn & Berryman, *Stat. Wis.*, sec. 407.

⁹ *Sch. law*, 1892, ch. 42, sec. 2.

¹⁰ *Sch. law*, 1896, sec. 13.

¹¹ *Sch. Rep.*, 1895, p. 12.

¹² *Code W. Va.*, 1891, p. 378.

¹³ *Pub. Stat. R. I.*, 1882, p. 153.

¹⁴ *Sch. law*, 1895, ch. 15, secs. 4 and 7.

¹⁵ *Gen. Stat. Nev.*, 1885, sec. 1291.

¹⁶ *Sch. law*, 1895, pp. 49-50.

actually held; ¹ Kansas, \$50 for each county institute with fifty registered attendants; ² Colorado, \$50 for each district institute with twenty registered attendants; ³ North Dakota, \$50 for each county containing ten or more teachers.⁴ In New Hampshire the proceeds of the sales of certain lands are set apart as a permanent institute fund.⁵ The Vermont school law provides for a State appropriation of a sum not exceeding \$30 per day for 4 days for each institute, and a sum not exceeding \$25 per day for 10 days for summer schools held during years when no institute is held in the county.⁶

Quite a number of States have not only exercised an extensive control over teachers' institutes through the *law-making* body as shown above, but have specifically conferred upon the State board or the State superintendent an extensive administrative control.

For example, these central authorities are very frequently specifically empowered to "select the times and places" for holding institutes; to fix the duration of the same; to employ the instructors and conductors, and fix their compensation; in a few cases to prescribe the programmes and courses of study; in a few cases to determine the number of institutes to be held each year. But in addition, quite a number of the States have conferred on these central educational authorities the power to "prescribe all rules and regulations," to "make suitable arrangements" for institutes, or to have "full charge" of the same. Such clauses in various school laws furnish, I think, a sufficient legal basis for full administrative control, and have in most cases been so acted upon. Clauses of this nature, or others from which the same power can, I think, be fairly inferred, are contained

¹ *Sch. law*, 1892, sec. 1584.

² *Gen. Stat. Kan.*, 1889, sec. 5660.

³ *Sch. law*, 1891, sec. 81.

⁴ *Sch. law*, 1896, p. 61.

⁵ *Sch. law*, 1895, ch. 94, sec. 4.

⁶ *Vermont Stat.*, 1894, secs. 598 and 601.

in the school laws of at least all of the following States: Arkansas,¹ Connecticut,² Florida,³ Louisiana,⁴ Massachusetts,⁵ Michigan,⁶ Minnesota,⁷ Mississippi,⁸ Nebraska,⁹ Nevada,¹⁰ New Hampshire,¹¹ New Jersey,¹² New York,¹³ North Dakota,¹⁴ Rhode Island,¹⁵ Vermont,¹⁶ West Virginia¹⁷ and Wisconsin.¹⁸

¹ *Att.*, April 20, 1895, sec. 2, *cf.*, *Sch. law*, 1895.

² *Sch. law*, 1896, sec. 13.

³ *Sch. law*, 1895, sec. 33, 3rd.

⁴ *Com. Ed. Rep.*, 1884-5, pp. 103-4.

⁵ *Sch. law*, 1892, ch. 42, secs. 1-3.

⁶ *Sch. law*, 1895, ch. 15, secs. 3, 4 and 7.

⁷ *Stat. Minn.*, 1894, sec. 3727.

⁸ *Sch. law*, 1894, secs. 4062-63.

⁹ *Sch. law*, 1895, p. 52.

¹⁰ *Gen. Stat. Nev.*, 1885, sec. 1291.

¹¹ *Sch. Law*, 1895, ch. 94, sec. 4.

¹² Rule 36, *Sch. law*, 1895, p. 143.

¹³ *Consol. Sch. law*, 1895, title x, sec. 1.

¹⁴ *Sch. law*, 1896, pp. 24 and 62.

¹⁵ *Pub. Stat. R. I.*, 1882, p. 153.

¹⁶ *Vermont Stat.*, 1894, sec. 598.

¹⁷ *Code W. Va.*, 1891, p. 378.

¹⁸ Sanborn & Berryman, *Annot. Stat. Wis.*, sec. 407.

CHAPTER X

APPELLATE JURISDICTION OF STATE SUPERINTENDENTS AND STATE BOARDS OF EDUCATION

QUITE a sharp entering wedge towards centralization has been driven in many States by vesting either in the State superintendent or the State board of education the power of hearing appeals and deciding controversies among local authorities arising under the school laws. This appellate jurisdiction has been expressly conferred by law upon the central educational authorities in at least twenty-eight States.¹ Although the extent of this jurisdiction varies somewhat in the different States, it will be fair, I think, to quote the New York law as somewhat typical of at least quite a number of the above States. The provisions of the present New York law on this subject are as follows:

Title XIV. Section I. "Any person conceiving himself aggrieved in consequence of any decision made:

(1) By any school district meeting;

(2) By any school commissioner or school commissioners and other officers, in forming or altering, or refusing to form or alter, any school district, or in refusing to apportion any school moneys in any such district or part of a district;

(3) By a supervisor in refusing to pay any such moneys to any such district;

(4) By the trustees of any district in paying or refusing to pay any teacher, or in refusing to admit any scholar gratuitously into any school;

¹ Cal., Col., Del., Fla., Ga., Ill., Ind., Ia., Kan., Ky., La., Md., Miss., Mont., Neb., Nev., N. J., N. Y., N. D., Or., Pa., R. I., S. D., Tex., Ut., Va., Wash., Wis.

(5) By any trustees of any school library concerning such library, or the books therein, or the use of such books ;

(6) By any district meeting in relation to the library ;

(7) *By any other official act or decision concerning any other matter under this act, or any other act pertaining to common schools*, may appeal to the superintendent of public instruction, who is hereby authorized and required to examine and decide the same; *and his decision shall be final and conclusive, and not subject to question or review in any place or court whatever.*"

The superintendent of public instruction is also empowered to regulate the practice in these appeals, and to make all orders "necessary or proper to give effect to his decision."

The express statement of the law in quite a few of the States besides New York, and the evident intent of the law in most of the above States, is that the decisions of either the State board or the State superintendent shall be final, although the law of some of these States subjects this appellate jurisdiction of the educational department to the control of the courts.¹ The absence of contested cases in the courts in most of these States would also seem to indicate that *in practice* the appellate jurisdiction of the State educational authorities is final.

Although the question of the appellate jurisdiction of the State superintendent and the State board has not often been taken into the courts, there have been a few cases, and these have served to define more clearly the nature and the extent of this jurisdiction. Indeed, we cannot get a correct idea of this appellate jurisdiction without noting some of these cases.

One of the earliest cases bearing on the general question was that of *Joint School District No. 7 vs. Wolfe*,² rendered by the

¹ Cf., for example, *Neb. Sch. law*, 1895, p. 48; *N. D. Sch. law*, 1896, p. 27; *Wash. Sch. law*, 1893, p. 8.

² 12 Wis., 765.

Wisconsin Supreme Court in 1860. In this case, in connection with a decision that the assistant State superintendent could *not* hear appeals, the court admitted that the decision of the State superintendent *was final* concerning the formation and alteration of school districts, "*or concerning any other matter under the school law of the State.*" Eighteen years later (1878), in the case of *State ex rel. Burpee vs. Burton*,¹ the same court held that the decisions of the department of public instruction upon questions within its jurisdiction *are entitled to great weight*, and should not be overruled by the courts unless clearly contrary to law. Closely related with this latter decision was that rendered in the *Appeal of Cottrell*,² (1873), which held that such decisions of the department are of value in construing the school law when it admits of different constructions.

In 1867, the New York Supreme Court, in the case of *People vs. Collins*,³ held that the decision of the State superintendent was "*final and conclusive, and not subject to question or review in any place or court whatever,*" regarding "all questions relating to the holding of school district meetings, and any and all official acts of school officers, trustees, commissioners, supervisors, or others, relating to the conduct of common schools, or concerning any matter, act or duty required or performed under the law providing for the organization and maintenance of common schools, or any law relating or pertaining thereto." In 1880, in the case of *People ex rel. Yale vs. Eckler*,⁴ the same court held substantially the same opinion. This was a case of a school trustee engaging a teacher and then discharging him before the expiration of the time of the contract and refusing to pay. On appeal the State superintendent decided in favor of the teacher and directed the trustee to pay the amount claimed. The court upheld this decision of the State super-

¹ 45 Wis., 150.

² 10 R. I., 615.

³ 34 How. Pr., 336.

⁴ 19 Hun., 609.

intendent, again declaring that his decision was "final and conclusive, and not subject to question or review in any place or court whatsoever." At the same time the court declared that the trustee waived any right he may have had to a trial of the question by a jury, by answering the appeal and submitting the case without objection to the superintendent. Again in 1892, in the case of *People ex rel. Clingan vs. Draper*,¹ the Supreme Court upheld the decision of the State superintendent and declared that the court would not reverse the decision of that official as to a matter where the statute made his decision conclusive. This was a case of the State superintendent declaring a certain action of a certain district void, and removing a trustee for not closing up the affairs of said district pursuant to a law passed in 1891. On the other hand, this court has decided, in the case of *People ex rel. Trustees vs. Town Auditors*,² (1891), that "the power to hear and determine an appeal from the action of the town auditors is not included in the jurisdiction conferred by the legislature upon the superintendent in the statute relating to schools."

In 1887 the Iowa Supreme Court, in the case of *Newby vs. Free*,³ held that, as to such questions as are by law within the jurisdiction of the various school officers of the State, "the decision of the superintendent of public instruction must be regarded as *final and conclusive*, and binding on the parties, and it follows that such decisions must be enforced by the courts."

The Maryland Court of Appeals, in the case of *Wiley, et al., Trustees vs. School Commissioners of Alleghany Co.*,⁴ (1879), held that the power of the State board of education to decide controversies was a "*visitorial power of the most comprehensive character, . . . and wherever that power exists, and is comprehensive enough to deal with the ques-*

¹ 63 Hun., 389.

² 126 N. Y., 528.

³ 72 Ia., 379.

⁴ 51 Md., 401.

tions involved in an existing controversy, courts of equity decline all interference, and leave parties to abide the summary decision of those clothed with the visitorial authority."

It has also been decided that the State superintendent may make all needful rules and regulations for the hearing of appeals, "including a rule requiring the evidence to be submitted in the form of affidavits, and the arguments of parties or their counsel in writing, without a personal hearing or oral examination of witnesses before him;"¹ and further that he has the power to correct mistakes made in rendering judgment in a case before him possessed by all courts and judicial officers.²

It appears, therefore, that the appellate jurisdiction of the central educational authorities has become quite firmly established in law and practice in a large number of our States. And only a moment's reflection will reveal the vast importance of this power. Such a power and jurisdiction offers almost endless opportunity for central control of local authorities and for securing a more uniform administration of the school law. Indeed in some States these decisions of the State superintendent constitute quite an extensive body of supplementary school law, as an examination of even the decisions printed in the school reports will show. And it is not too much to predict that wherever firmly established this power will surely bring about a more and more thorough central control and regulation. This appellate jurisdiction of the State superintendent is one of the really strong tendencies toward centralization which the latter half of the century has developed.

We have now passed in review some of the leading features of the school systems of the various States, and have

¹ State ex rel. Moreland v. Whitford, 54 Wis., 150.

² Desmond v. the Independent District of Glenwood, 71 Ia., 23.

discovered quite a strong under-current toward centralization in educational administration. In spite of our extreme devotion as a people to the principle of local self-government, we have not hesitated to reject the principle to a great extent in order to secure greater efficiency in the administration of our public school systems. And it is well to note before leaving our subject that this tendency discovered in educational administration is in accord with a similar tendency in other departments. Already our whole national system of administration has become quite thoroughly centralized, and, although we have by no means gone so far in our commonwealth administration, yet even here education is not the only department in which this centralizing tendency can be discovered. The same tendency is every year becoming more and more evident in public health and poor-law administration, in the assessment of taxes and the auditing of local accounts. In conclusion the writer wishes to express his opinion that this tendency is a wholesome and safe one, and our people need not be frightened by the bugbear of paternal government which the opponents of this tendency continually invoke. It is an incontestable fact that in the field of educational administration, as well as in the other fields just mentioned, this centralization has led to increased administrative efficiency; and it is not too much to predict that as our civilization becomes more complex this tendency, which is already quite marked, will become more and more pronounced and felt in other States and other fields of administration.

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